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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

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In re	:	CHAPTER 11
	:	CASE NO.: <u>15-22086</u> (rdd)
TOMNIK FOOD SERVICES, INC.,	:	
	:	
Debtor.	:	
	:	
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AFFIRMATION PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2

TOM VOUTSAS, hereby affirms as follows:

1. I am the sole shareholder Officer and Director of Tomnik Food Services, Inc., (“Services”), a New York Corporation. I have served in these positions since or about 1998 when Services was founded. I submit this affirmation pursuant to Federal Rule of Bankruptcy Procedure 1007(d) and Local Bankruptcy Rule 1007-2.

2. Services is in the business primarily of owning and managing a diner at 127 Route 304, Bardonia, New York 10954 (the “Bardonia Diner”).

3. The Bardonia diner operates from a leased premises.

4. During the past few years, the Bardonia Diner has suffered from financial reverses due primarily to the general downturn in the economy. Customers had been simply spending less. At the same time, the Debtor’s expenses including utilities, food, and insurance

are increasing. The Debtor has modified its menu and pricing structure.

5. The Debtor is also a defendant in an action pending in the United States District Court for the Southern District of New York (the "District Court Action"). The District Court Action was commenced by the United States Department of Labor for alleged violations of employment laws and regulations. The Debtor is hopeful that the District Court Action

6. The Debtor has a revolving credit line from Chase and numerous trade creditors.

7. The Debtor filed for Chapter 11 relied primarily to reorganize its financial affairs without interference from its creditors and continue operating.

8. The Debtor is exploring a sale of its business.

9. The Debtor filed its case on an emergency basis to avoid imminent threat of eviction by its landlord. Although the Debtor has been paying rent, it has failed to pay additional rent (ie taxes). The Landlord obtained a judgment of eviction. The Debtor intends to challenge same in state court.

10. The Debtor has approximately ten (10) employees. Weekly payroll is typically \$8,000.00.

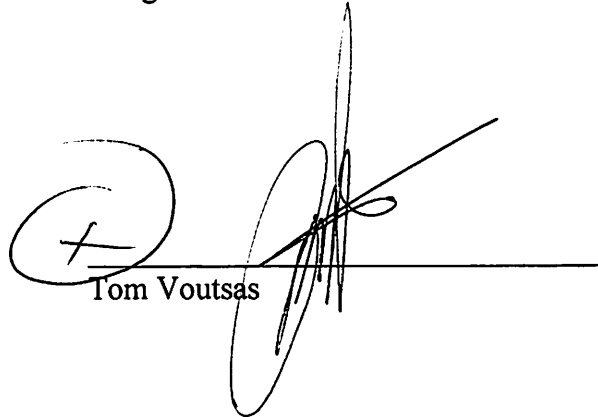
11. This is the Debtor's second Chapter 11 filing.

12. This case was not originally commenced as a Chapter 7 proceeding.

13. During the next 30 days, I estimate that gross receipts will be \$70,000.00 and expenses will be slightly less.

14. Based upon the foregoing, it is submitted that Services' needs and interests will be best served by its continued possession and management of its business as a debtor-in-possession under Chapter 11.

Dated: *Jan 14, 2015*
White Plains, NY



Tom Voutsas